

repeal so much of chapter 3 of title 78 of the Revised Civil Statutes of Texas as refer to public free schools outside of incorporated cities and towns assuming and having assumed control of their public free schools, and all laws and parts of laws in conflict with said act."

Was laid before the Senate, and  
On motion of Senator Claiborne

The bill was made the third special order for Wednesday after morning call.

Senate bill No. 22, a bill to be entitled "An act to amend chapter 2, title 96, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4676a, providing for the assessment of live stock in pastures in the several counties in which such pastures are situated,"

Was laid before the Senate,

Read the second time and ordered engrossed.

On motion of Senator Woodward,

The constitutional rule was suspended to put the bill on its third reading and find passage by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Douglass,	Simkins,
Field,	Sims,
Frank,	Stephens,
Harrison,	Woodward.
Ingram,	

NAYS—None.

The bill was read the third time and passed by the following vote:

YEAS—25.

Abercrombie,	Jarvis,
Allen,	Johnson,
Armistead,	Kimbrough,
Atlee,	Lane,
Burges,	Maetze,
Burney,	McDonald,
Claiborne,	Morris,
Cranford,	Seale,
Douglass,	Simkins,
Field,	Sims,
Frank,	Stephens,
Harrison,	Woodward.
Ingram,	

NAYS—None.

Senator Burges offered the following resolution:

*Resolved*, That the State Treasurer be and hereby is requested to give the Senate all the information he can as to the cost to the State of conveying money from the counties to the treasury and from thence to the counties.

Adopted.

On motion of Senator Field,

Senate bill No. 102, "An act to amend article 4437, title 87, chapter 5, of the Revised Civil Statutes of the State of Texas,"

Was made the second special order for Monday after morning call.

On motion of Senator Claiborne,

The Senate adjourned until 10 o'clock Monday morning.

## TWELFTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, Jan. 21, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Upshaw,

The further reading of the Journal was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Kimbrough:

A petition of W. W. Ainsworth and forty-five other voters and tax payers of Dallas county, favoring a railroad commission, liberal appropriations for the Department of Agriculture, and against a law permitting the issue of bonds.

Referred to the Committee on Internal Improvements.

By Senator Stephens:

A petition from the citizens of Wilbarger county, requesting the passage of a law to permit counties to fund their indebtedness.

Referred to Finance Committee.

## REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,  
AUSTIN, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 107, being "An act to amend section 37 of an act entitled an act to redistrict the State into judicial districts, and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883, to create the Forty-fifth judicial district of the State of Texas, fix the time for holding court therein, and fixing time for holding court in the Thirty-seventh judicial district, and to provide for the appointment of a district judge for said Forty-fifth judicial district, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other," and find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
AUSTIN, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully compared and examined substitute Senate bill No. 6, being "An act to amend article 191, chapter 2, title 9 of the Revised Civil Statutes of the State of Texas," and find the same correctly engrossed.

CRANFORD,  
Chairman.

COMMITTEE ROOM,  
Austin, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 12, being "An act to amend article 320, chapter 4, title 9, of the Penal Code of the State of Texas, relating to the carrying of arms in church and other assemblies, and to increase the punishment for this offense," and find the same correctly engrossed.

CRANFORD,  
Chairman.

By Senator Abercrombie:

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred Senate bill No. 126, entitled "An act to amend article 339, chapter 83, of the General Laws of Texas, approved March 29, 1887, and article 341, chapter 4, title 10, of the Penal Code of the State of Texas, and by adding thereto articles 341a and 341b,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendment:

In lines 13 and 14, of article 341a, substitute for the words "two hundred dollars," the following: "Not less than one hundred dollars nor more than five hundred dollars."

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 116, entitled "An act to amend article 774 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 115, entitled "An act to amend article 635 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 114, entitled "An act to amend article 652, of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 117, entitled "An act to amend article 772 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

COMMITTEE ROOM,  
AUSTIN, January 19, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Judiciary No. 2, to whom was referred

Senate bill No. 118, entitled "An act to amend article 553 of the Code of Criminal Procedure of the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

ABERCROMBIE,  
Chairman.

Bill read first time.

The following message was received from the House:

Referred to Judiciary Committee No. 1.

By Senator Stephens:

A bill to be entitled "An act to amend article 103, chapter 3, title 4, of the Penal Code of the State of Texas, by adding thereto article 103a."

[This bill provides that any county officer who is authorized to receive or collect money or other property for the county as the law requires, for failing, refusing or neglecting this duty shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than ten nor more than one hundred dollars.]

Referred to Judiciary Committee No. 2.

By Senator Stephens:

A bill to be entitled "An act to require butchers and slaughterers of cattle to give a bond and to prescribe a punishment for violating the conditions of the same, and to prevent the unlawful slaughtering and selling cattle."

[The bond required in this bill is conditioned that a true record be kept of all cattle purchased or slaughtered, with a full and minute description of each animal, etc. It provides for the punishment for either failing to give bond or keeping the record, or for violating any part of the bond.]

Referred to Judiciary Committee No. 2.

By Senator Simpkins:

A bill to be entitled "An act to repeal an act approved March 29, 1887, entitled an act to provide for the sale of such appropriated public lands situated in the organized counties of Texas as contain not more than 640 acres."

Referred to Committee on Public Lands.

A bill to be entitled "An act to authorize the State Superintendent of Public Instruction to issue certificates of qualification and teachers' diplomas to teachers in the public free schools, and to make valid diplomas from the Peabody Normal College, Nashville, Tenn."

[This bill provides that the Superintendent shall appoint examiners in different parts of the State to examine teachers for State certificates and diplomas; that the examinations shall begin on the first Tuesday in August of each year; that ten applicants pledging two dollars each shall be required to secure the appointment of a conductor to hold an examination at any given place; that two grades of

HALL HOUSE OF REPRESENTATIVES,  
AUSTIN, January 21, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

SIR—The House has passed Senate bill No. 45, "An act to amend an act entitled an act to fix the times for holding the district courts in the several counties comprising the Twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 21, 1887,"

Under the suspension of the rule and by a two-thirds vote: Ayes, 89; nays, none.

W. M. IMBODEN,  
Chief Clerk House of Representatives.

#### BILLS AND RESOLUTIONS.

By Senator Jarvis:

A bill to be entitled "An act making appropriations for the support of the State government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes,"

[This bill gives an itemized statement of expenses required to run the government.]

Referred to Finance Committee.

By Senator Lane:

A bill to be entitled "An act to amend chapter 26, of title 37, of the Revised Civil Statutes of the State of Texas, by adding thereto article 2143a."

[This bill provides that upon the settlement of an estate, if there is any of the estate remaining in the hands of the executor or administrator, consisting of money or personal property, belonging to any minor who has no guardian, said remaining part (the personal property being converted into money) shall be placed in the county treasury subject to the order of the county court and the executor or administrator discharged, the estate being closed.]

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to amend article 4822, title 97, of the Revised Civil Statutes of the State of Texas, and to add to said title article 4822a."

[The bill seeks to permit persons holding liens on personal property seized under execution or other like writs to settle the rights in such property by proceeding under the law governing the trial of the rights of property.]

certificates be granted, the second grade good for two years, and the first for five years; that the diplomas rank equal to diplomas from the State normal schools; that graduates of the academic department of the State University be granted teachers' diplomas, provided, they pass the examination in the history of education and school government and methods; that first grade certificates of city high school may be granted under certain restrictions; that examiners shall be professional teachers.]

Referred to Committee on Education.

By Senator McDonald:

A bill to be entitled "An act to authorize minors to bring suits by next friend, and to provide for the disposition of funds that may be recovered in such suits, and to define the duties of the next friend."

[This bill provides that when a suit is brought by next friend, said next friend shall have the same rights concerning said suit and the matters therein involved as if he were guardian of the minor, provided he shall not be relieved from giving security for costs; that the agreement or compromise of such next friend shall be binding on said minor when approved by the court; that when by such suit a minor recovers money or personal property amounting to five hundred dollars or less, said minor having no guardian, such next friend or any other person authorized by the court, may take charge of said money or property for the benefit of the minor upon giving bond.]

Referred to Judiciary Committee No. 1.

A bill to be entitled "An act to amend article 485, of title 17, of chapter 10, of the Revised Civil Statutes of the State of Texas."

[This bill seeks to more fully define the law in regard to the publication of city and town ordinances. It provides that when the official paper is published weekly the ordinance shall be published in two issues. The emergency clause is inserted.]

Referred to Judiciary Committee No. 1.

By Senator Claiborne:

A bill to be entitled "An act to amend articles 4527 and 4558 of the Revised Civil Statutes of the State of Texas, and to add thereto article 4557a and 4557b, prescribing certain duties to be performed by railroad companies or other common carriers doing business in this State."

Referred to Committee on Internal Improvements.

Senate joint resolution No. 1, "Join resolution to amend section 2 of article 6 of the Constitution of the State of Texas, relating to suffrage."

Being the first special order, was laid before the Senate with a majority (unfavorable) and minority (favorable) report.

On motion of Senator Atlee,  
The minority (favorable) report was adopted.

Senator Atlee moved to  
Amend by adding:

Section 2. The foregoing amendment shall be submitted to a vote of the qualified voters of the State of Texas at the next general election of the State, at which election the voters favoring this amendment shall have written or printed on their ballots the words, "For the amendment to section 2, article 6," and those opposed the words, "Against the amendment to section 2, article 6;" and the Governor is hereby directed to issue the necessary proclamation for said election under the laws of the State.

Adopted.

Senator Seale moved to

Amend section 2 by adding after the word "vote," in line 11, "and who shall have paid such poll tax as is now or may be hereafter prescribed by law."

Senator Seale spoke in favor of his amendment.

Senators Burges, Johnson, Atlee, Simkins and Burney opposed the amendment.

(Senator Lane in the chair.)

Senator Seale withdrew his amendment and

Senator Burney moved to amend section 2 by striking out the words "six months," in line 17, and insert therefor the words "one year."

(The President in the chair.)

Senators Lane and Atlee opposed the amendment, and Senator Burney favored it.

The amendment was lost.

Senator Atlee moved to add: Provided, that electors living in any unorganized county may vote at any election precinct in the county to which such county is attached for judicial purposes.

Adopted.

Senators Burney, Atlee and Simkins favored the joint resolution, and Senators Burges, Seale, Johnson, Lane and Field opposed it.

The Senate refused to engross the joint resolution by the following vote:

YEAS—14.

Abercrombie,	Maetze,
Allen,	McDonald,
Armistead,	Simkins,
Atlee,	Sims,
Burney,	Stephens,
Glasscock,	Townsend,
Harrison,	Woodward.

NAYS—15.

Burges,	Johnson,
Claiborne,	Kimbrough,
Cranford,	Lane,
Douglass,	Morris,
Field,	Seale,
Frank,	Tyler,
Ingram,	Upshaw.
Jarvis,	

ABSENT—1.

Pope.

Senator Claiborne entered a motion to reconsider the vote just taken.

Senate bill No. 102, a bill to be entitled "An act to amend article 4434, title LXXXVII, chapter 5, of the Revised Civil Statutes of the State of Texas,"

Being the second special order, was laid before the Senate, and

Read the second time, with a favorable committee report.

Senator Glasscock offered the following amendment:

"Provided, the county refusing to pay for such bridge and receiving a benefit therefrom shall be liable to pay to the county building such bridge a just proportionate part of the costs of the construction of such bridge, to be recovered as in other suits under existing law."

Senators Field and Harrison opposed the amendment, and Senator Glasscock spoke in favor of it.

The amendment was lost.

Senator Field moved to

Amend by adding:

"Section—, Whereas, there is now no law providing for the relief and remedy sought to be accomplished by this bill, creates an emergency and an imperative public necessity requiring a suspension of the constitutional rule requiring bills to be read on three several days be suspended, and it is so suspended, and that this act take effect and be in force from and after its passage."

Adopted.

The bill was ordered engrossed.

On motion of Senator Field,  
The constitutional rule was suspended.

ed to place the bill on its third reading and final passage, by the following vote:

## YEAS—29.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glascock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

## NAYS—None.

## ABSENT—1.

Pope.

The bill was read the third time and Passed by the following vote:

## YEAS—29.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Douglass,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glascock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

## NAYS—None.

## ABSENT—1.

Pope.

Senate bill No. 107, a bill to be entitled "An act to amend section 37 of an act entitled an act to redistrict the State into judicial districts and fix the times for holding court therein, and to provide for the election of judges and district attorneys in said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883; to create the Forty-fifth judicial district of the State of Texas, fix the time for holding court therein, and fixing time for holding court in the Thirty-seventh judicial district, and to provide for the appointment of a

district judge for said Forty-fifth judicial district, and to provide for the venue of causes in said courts, and to regulate the transfer thereof from one of said courts to the other,"

Was laid before the Senate and Read the third time and Passed by the following vote:

## YEAS—23.

Abercrombie,	Kimbrough,
Armistead,	Maetze,
Atlee,	McDonald,
Burges,	Morris,
Burney,	Seale,
Cranford,	Simkins,
Field,	Stephens,
Frank,	Townsend,
Glascock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

## NAYS—6.

Allen,	Johnson,
Claiborne,	Lane,
Douglass,	Sims.

## ABSENT—1.

Pope,

Substitute Senate bill No. 6, a bill to be entitled "An act to amend article 191, chapter 2, title 9, of the Revised Civil State of Texas,"

Was laid before the Senate, Read the third time and passed.

On motion of Senator Claiborne,

Senate bill No. 72, a bill to be entitled "An act to amend articles 4662, 4664 and 4665, chapter 1, title 95, of the Revised Civil Statutes, as amended May 4, 1882,"

Was taken up out of its regular order.

On motion of Senator Armistead

The bill was laid on the table to await the action of the House on a similar bill.

Senate bill No. 18, a bill to be entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers,"

Was laid before the Senate, and

Read the second time with two committee amendments.

The committee amendments were adopted.

Senator Armistead moved to amend by striking out section 7 of the bill giving conductors power of peace officers.

On motion of Senator Burges,

The further consideration of the bill was postponed.

On motion of Senator Woodward,  
The Senate adjourned till 10 o'clock  
to-morrow morning.

### THIRTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, January 22, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Woodward,  
The reading of the Journal was dispensed with.

On motion of Senator Armistead,  
Senator Pope was excused from Saturday until to-day.

### PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from the citizens of Carson county, praying that Hutchinson, Moore and Gray counties be attached thereto for judicial purposes.

Referred to Committee on Judicial Districts.

By Senator Stephens:

A memorial from the citizens of Donley county, requesting a joint committee to investigate the condition of the public free school lands of the State, and to recommend such changes in such law as they may deem expedient.

Referred to Committee on Public Lands.

By Senator Field:

Letters of W. J. Murchison and others relative to penitentiary management.

Referred to Committee on Penitentiaries.

A memorial from the Robertson County Farmers' Alliance, requesting the enactment of such laws as will prevent the formation of trusts, pools, etc.

Referred to Committee on Internal Improvements.

A petition from the Robertson County Farmers' Alliance, suggesting the appointment of a commission whose duty it shall be to meet and suggest such changes in existing laws as will improve and perfect the public free school system of the State.

Referred to Committee on Education.

Memorial of Robertson County Farmers' Alliance relative to public roads.

Referred to Committee on Roads and Bridges.

Memorial of Robertson County Farmers' Alliance, asking the appointment of a railroad commission.

Referred to Committee on Internal Improvements.

Memorial of Robertson County Farmers' Alliance, suggesting the establishment of a system of farmers' institutes.

Referred to Committee on Education.

The President gave notice of signing and did sign in open Senate the following bills:

Senate bill No. 15, a bill to be entitled "An act to amend an act approved March 29, 1887, entitled an act to amend an act entitled an act to re-district the State into judicial districts, and to provide for the election of judges and district attorneys of said districts at the next general election, to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883."

Senate bill No. 45, a bill to be entitled "An act to amend an act entitled an act to fix the times for holding the district courts in the several counties comprising the Twenty-fifth judicial district of Texas, and to repeal all laws and parts of laws in conflict with the provisions of this act, approved March 21, 1887."

### REPORTS OF STANDING COMMITTEES.

By Senator Burney:

COMMITTEE ROOM,  
AUSTIN, January 22, 1889.

*Hon. T. B. Wheeler, President of the Senate:*

Your Committee on Education, to whom was referred

Senate bill No. 94, entitled "An act to legalize the donation of property to establish or assist in establishing professorships in the University of Texas or any of its branches, and to provide for the security and protection of their benefits in accomplishing the objects of their donors,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,  
Chairman.